

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Derek Ryan Fox,

Petitioner,

v.

Calvin Johnson, et al.,

Respondents.

Case No. 2:22-cv-0669-APG-EJY

**Order Granting Petitioner's Request
for Additional Time to Comply with
the Court's Order Granting
Petitioner's Motion for Leave to File a
Second Amended Petition**

(ECF No. 34)

In this habeas matter, I granted Petitioner Derek Ryan Fox's Motion for Leave to File a Second Amended Petition (ECF No. 32) giving him until January 3, 2025, to provide an update on the status of his investigation and whether he intends to proceed on his first amended petition or intends to file a second amended petition. Fox filed a timely status report (ECF No. 34) stating that his investigation is ongoing, the Clark County District Attorney needs additional time to locate and provide certain records, and Fox is unable to determine yet whether he wishes to proceed on his first amended petition or will file a second amended petition. ECF No. 34 at 2. Included in his status report, Fox requested an additional 90 days to comply with my earlier order. *Id.* at 3. I find the request is made in good faith and not made solely for the purpose of delay, and there is good cause to grant the request. In the future, however, Fox must file a "motion" when requesting an extension of time. *See* Rule 6(b) and (c) of the Federal Rules of Civil Procedure; LR IA 6-1.

I THEREFORE ORDER that Petitioner Derek Ryan Fox's request for additional time to file a status report (ECF No. 34) is granted. Fox has until March 4, 2025, to file a report providing an update on the status of his investigation and whether he intends to proceed on his first amended petition or file a second amended petition.

Dated: February 10, 2025



ANDREW P. GORDON
CHIEF UNITED STATES DISTRICT JUDGE